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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,425	07/30/2003	Hubert Carl Burton JR.	21861/09003	7834
27530	7590	10/28/2005	EXAMINER	
NELSON MULLINS RILEY & SCARBOROUGH, LLP			SEMBER, THOMAS M	
1320 MAIN STREET, 17TH FLOOR			ART UNIT	
COLUMBIA, SC 29201			PAPER NUMBER	
			2875	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/630,425

Applicant(s)

HERBERT CARL BURTON, JR.

Examiner

Thomas M. Sember

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 19 is/are allowed.
- 6) ☒ Claim(s) 1,3-9, 11-18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the louvers claimed in claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show louvers as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 9, 11-17 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoover et al '72. Hoover et al '72 discloses a light housing 10 for at least partially shielding a light source 80 from a viewer. The light source has an emitting portion and a rear portion. A shield having a rear wall 18 is located posterior to the rear portion of the light source wherein the rear wall has a top edge 14 and a bottom edge 20, and is formed to partially enclose the light source and at least one attachment arm (pole attachment in figure 1) for attaching the shield to a fixed object. As broadly claimed, the shield is free of permanent attachment to the light source because the light is attached to the socket and is removable.

Regarding claim 3, the rear wall has a semi-circular shape.

Regarding claim 4, the shield further comprises at least one sidewall.

Regarding claim 5, the shield comprising two sidewalls, wherein the two sidewalls are curved and the rear wall has a semi-circular shape.

Regarding claim 6, the curved sidewalls extend from the semi-circular rear wall at substantially the same radius as the semi-circular rear wall so that the two curved sidewalls are contiguous with the semi-circular rear wall and together form a uniform semi-circular shape.

Regarding claim 9, the shield further comprises a top that is attached to the top edge and at least partially covers that portion of the shield, which encloses the light source.

Regarding claim 11, the attachment arm is attached to the shield at the bottom edge of the rear wall.

Regarding claim 12 the attachment arm is a unitary construction contiguous with the shield (regarding the limitation of "injection molding", applicant is reminded that disclosure of only a method of making the invention and the function may not be sufficient to support a product claim other than a product-by-process claim). Thus, since Panagiotou shows an attachment arm unitary with shield, the prior art reference of Panagiotou meets this claim.

Regarding claim 13, the attachment arm comprises one or more devices selected from the group consisting of glue, screws, clamps, staples, nails, stakes, screws, clamps, tie downs, Velcro®, tape, wire ties, buttons, snaps, weights, hooks, metal rods, or magnetic attachments.

Regarding claim 14, the attachment arm includes a stake 62.

Regarding claim 15, the attachment arm is made from a material selected from the group consisting of steel, stainless steel, aluminum alloys, iron alloys, thermoplastic

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polymers, thermoset polymers, and cellulosic materials.

Regarding claim 16, the rear wall is constructed from a material selected from the group consisting of metal, plastic, composite material, and cellulosic material.

Regarding claim 17, the rear wall comprises a reflective material.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 9, 11-17 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bober or Bomas '595 or '112. Bober or Bomas '595 or '112 discloses a light housing for at least partially shielding a light source from a viewer. The light source has an emitting portion and a rear portion. A shield having a rear wall is located posterior to the rear portion of the light source wherein the rear wall has a top edge and a bottom edge, and is formed to partially enclose the light source and at least one attachment arm for attaching the shield to a fixed object. As broadly claimed, the shield is free of permanent attachment to the light source because the light is attached to the socket and is removable.

Regarding claim 3, the rear wall has a semi-circular shape.

Regarding claim 4, the shield further comprises at least one sidewall.

Regarding claim 5, the shield comprising two sidewalls, wherein the two sidewalls are curved and the rear wall has a semi-circular shape.

Regarding claim 6, the curved sidewalls extend from the semi-circular rear wall at substantially the same radius as the semi-circular rear wall so that the two curved sidewalls are contiguous with the semi-circular rear wall and together form a uniform semi-circular shape.

Regarding claim 9, the shield further comprises a top that is attached to the top edge and at least partially covers that portion of the shield, which encloses the light source.

Regarding claim 11, the attachment arm is attached to the shield at the bottom edge of the rear wall.

Regarding claim 12 the attachment arm is a unitary construction contiguous with the shield (regarding the limitation of "injection molding", applicant is reminded that disclosure of only a method of making the invention and the function may not be sufficient to support a product claim other than a product-by-process claim). Thus, since Panagiotou shows an attachment arm unitary with shield, the prior art reference of Panagiotou meets this claim.

Regarding claim 13, the attachment arm comprises one or more devices selected from the group consisting of glue, screws, clamps, staples, nails, stakes,



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screws, clamps, tie downs, Velcro®, tape, wire ties, buttons, snaps, weights, hooks, metal rods, or magnetic attachments.

Regarding claim 14, the attachment arm includes a stake.

Regarding claim 15, the attachment arm is made from a material selected from the group consisting of steel, stainless steel, aluminum alloys, iron alloys, thermoplastic polymers, thermoset polymers, and cellulosic materials.

Regarding claim 16, the rear wall is constructed from a material selected from the group consisting of metal, plastic, composite material, and cellulosic material.

Regarding claim 17, the rear wall comprises a reflective material.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 9, 11-18 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee. Lee discloses a light housing for at least partially shielding a light source from a viewer. The light source 4 has an emitting portion and a rear portion. A shield 50 having a rear wall is located posterior to the rear portion of the light source

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wherein the rear wall has a top edge and a bottom edge, and is formed to partially enclose the light source and at least one attachment arm for attaching the shield to a fixed object. As broadly claimed, the shield is free of permanent attachment to the light source because the light is attached to the socket and is removable.

Regarding claim 3, the rear wall has a semi-circular shape.

Regarding claim 4, the shield further comprises at least one sidewall.

Regarding claim 5, the shield comprising two sidewalls, wherein the two sidewalls are curved and the rear wall has a semi-circular shape.

Regarding claim 6, the curved sidewalls extend from the semi-circular rear wall at substantially the same radius as the semi-circular rear wall so that the two curved sidewalls are contiguous with the semi-circular rear wall and together form a uniform semi-circular shape.

Regarding claim 9, the shield further comprises a top that is attached to the top edge and at least partially covers that portion of the shield, which encloses the light source.

Regarding claim 11, the attachment arm is attached to the shield at the bottom edge of the rear wall.

Regarding claim 12 the attachment arm is a unitary construction contiguous with the shield (regarding the limitation of "injection molding", applicant is reminded that disclosure of only a method of making the invention and the function may not be sufficient to support a product claim other than a product-by-process claim). Thus,

since Panagiotou shows an attachment arm unitary with shield, the prior art reference of Panagiotou meets this claim.

Regarding claim 13, the attachment arm comprises one or more devices selected from the group consisting of glue, screws, clamps, staples, nails, stakes, screws, clamps, tie downs, Velcro®, tape, wire ties, buttons, snaps, weights, hooks, metal rods, or magnetic attachments.

Regarding claim 14, the attachment arm includes a stake.

Regarding claim 15, the attachment arm is made from a material selected from the group consisting of steel, stainless steel, aluminum alloys, iron alloys, thermoplastic polymers, thermoset polymers, and cellulosic materials.

Regarding claim 16, the rear wall is constructed from a material selected from the group consisting of metal, plastic, composite material, and cellulosic material.

Regarding claim 17, the rear wall comprises a reflective material.

Regarding claim 18, the rear wall of the shield includes louvers 58.

#### ***Allowable Subject Matter***

4. Claim 10 and 19 are allowed.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-9, 11-18 and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 8 A.M- 5.30 p.m. first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas M Sember  
Primary Examiner  
Art Unit 2875

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